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holiday celebration, one of the features of which was the racing on the main street of several wild, unbroken horses, ridden by small boys. As the animals attained the velocity natural to equine participants in a test of fleetness, one Marth, unaware of this event, drove into the street. The impact of one of the running horses resulted in overturning his vehicle and in injuries to himself. It appeared that the municipality had failed to pass an ordinance prohibiting horse racing on its streets, and that it was not empowered to provide for such celebrations. In *Marth v. City of Kingfisher et al.*, 98 Pacific Reporter, 436, the city was sought to be held for damages on the ground that these speed tests constituted a defect in the street. The Supreme Court of Oklahoma held that a municipal corporation was not liable for failure to exercise a governmental power like passing an ordinance, and that the injury complained of did not result from any defect or want of repair of the highway. The commercial club, however, that supervised the race, was held liable to the party injured.

Power to Regulate Must Not Destroy.—Relying on the power given it by the state to regulate dance halls and skating rinks, a municipality passed an ordinance providing that they should be closed from 6 p. m. to 6 a. m., and that any person using such place within the prohibited time should be liable to fine or imprisonment or both. Johnson, the proprietor of one of these establishments, applied for an injunction, alleging that the ordinance destroyed his business. In *Johnson v. Town of Philadelphia*, 47 Southern Reporter, 526, the Supreme Court of Mississippi held that every power given by a state to a municipality to pass ordinances, contained the implied restriction that the ordinance should be reasonable, and not destructive of a lawful occupation. Under pretense of regulation the business attempted to be regulated cannot be destroyed.

Liability of Rabid Dog's Owner.—A dog afflicted with rabies bit a cow, causing her demise. The cow's owner sued the dog's owner for the value of the bitten animal. In *Van Etten v. Noyes*, 112 New York Supplement, 888, the Supreme Court of New York held that as no evidence was advanced to show the owner's knowledge of the dog's vicious disposition no recovery could be had. While it is true that the owner of domestic animals, such as cattle, is generally liable for the entry of his animals upon the land of another, the owner of a dog is not liable in trespass every time it goes upon another's premises. Injury from the bite of a rabid dog must be classed with those forms of inevitable accidents which the law always leaves where they chance to fall, because, as no one was in default, there is no basis for assessment of damages against any one.